

HB 755 – Corrections

This bill amends multiple statutes regarding the Florida Department of Corrections. It deletes s. 921.0021(7)(c), F.S., which will remove the prohibition against assessing victim injury points for sexual penetration or sexual contact in calculating the sentencing score for s. 944.35(3)(b)2., F.S. (Sexual Misconduct with an Inmate or Supervised Officer). By adding these injury points, sexual contact creates a potential sentence range of nonprison to a five year maximum prison sentence, while sexual penetration would range from 42 months in prison to a maximum sentence of five years. From FY 08-09 through FY 14-15, there were 6 persons sentenced for this violation, with none receiving a prison sentence.

CONFERENCE ADOPTED ESTIMATE: **Positive Insignificant**

This bill also amends s. 944.275, F.S., allowing inmates sentenced for an offense committed on or after October 1, 1995, to be eligible for education attainment gain-time in the amount of 60 additional days. An inmate may receive a one-time award of 60 days of gain-time for receiving a high school equivalency diploma or for earning a certificate for completion of a vocational program, as long as this does not bring the inmate below 85% of his/her sentence served. However, inmates convicted of, or previously convicted of, certain specified sexual offenses, including forcible felony offenses (except burglary) will not be eligible for this gain time. The proposed bed impact is consistent with an impact adopted by CJIC in a prior fiscal year.

See “Corrections: Education Attainment Gain-Time” Handout for a subset of the effect.

CONFERENCE ADOPTED ESTIMATE: **Bed Impact**

The bill also adds to s. 944.35(3)(a)2, F.S. an employee of a “private provider” or “private correctional facility” who, with malicious intent, commits battery or inflicts cruel or inhumane treatment by neglect or otherwise, causing great bodily harm, permanent disability, or permanent disfigurement to an inmate or an offender. This would subject those employees to a level 6, 3rd degree felony. Per DOC, in FY 14-15, there were no offenders charged with this violation.

Further, the proposed change creates an **unranked, 3rd degree felony** for an employee who willfully or by culpable negligence “withholds food, water, clothing, shelter, supervision, medicine, or medical services from an inmate that a prudent person would consider essential for the well-being of the inmate” and causing “great bodily harm,

permanent disability, or permanent disfigurement by such action.” There was no data available to quantify the potential impact of this change. In FY 14-15, the incarceration rate for an unranked, 3rd degree felony was 9.9%.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Finally, this bill amends s. 947.149, F.S., expanding the eligibility for the conditional medical release program to include elderly and infirm inmates. “Elderly and infirm” is defined as an inmate who has no current or prior convictions for capital or first degree felonies, who has no current or prior convictions for sexual offenses or offenses against children, who is over 70 years of age, and who has a condition caused by injury, disease, or illness which, to a reasonable degree of medical certainty, renders the inmate infirm or physically impaired to the extent that the inmate does not constitute a danger to himself or herself or others.

See “Corrections: Conditional Medical Release” Handout for a subset of the effect. Although, FCOR approves 50% of eligible inmates per fiscal year under current conditional medical release, this could decrease with a larger pool to choose from. The handout assumes 10% approval per fiscal year, consistent with an impact adopted by CJIC in a prior fiscal year.

CONFERENCE ADOPTED ESTIMATE: Negative Significant

**CONFERENCE ADOPTED ESTIMATE FOR ENTIRE BILL:
Negative Significant**

Requested by: House

HB 755

Corrections: Education Attainment Gain-Time

July 1, 2016 Effective Date

The Criminal Justice Estimating Conference met on 1/29/2016 and estimated the following net impact on the inmate population over the next five years:

a	c	d	e	f	g
Fiscal Year	Projected Additional Annual Prison Beds Required	FUNDS REQUIRED			
		Annual Operating Costs	Annual Fixed Capital Outlay Costs	TOTAL Annual Funds	TOTAL Cumulative Funds
2016-2017	-126	(\$1,223,460)	(\$11,876,928)	(\$13,100,388)	(\$13,100,388)
2017-2018	-66	(\$1,912,800)	(\$4,221,492)	(\$6,134,292)	(\$19,234,680)
2018-2019	-66	(\$1,345,278)	(\$4,356,594)	(\$5,701,872)	(\$24,936,552)
2019-2020	-66	(\$1,377,618)	(\$4,482,918)	(\$5,860,536)	(\$30,797,088)
2020-2021	-66	(\$1,412,004)	(\$4,603,962)	(\$6,015,966)	(\$36,813,054)
Total	-390	(\$7,271,160)	(\$29,541,894)	(\$36,813,054)	(\$36,813,054)

Prepared by Florida Legislature, Office of Economic and Demographic Research, January 27, 2016

FY 2014-15 operating costs per inmate were obtained from DOC. The \$51.65 per diem (\$18,852 annual cost) is for all department facilities (excluding private institutions and approximately 150 beds in PRCs) and includes operations, health services, and education services. It does not include debt service costs. It also does not include indirect and administrative costs of \$3.34 per inmate (state facilities). Operating costs in future years were increased by the change in the CPI from the National Economic Estimating Conference.

FY 2006-07 capital costs per bed were based on Department of Corrections cost to build Suwanee CI (\$94,000,000 for 2,003 lawful capacity beds) as reported at the Criminal Justice Impact Conference held February 23, 2010. Capital costs in later years were increased by the change in the chained price index for state and local construction spending obtained from Global Insight, Inc.

Note: This impact statement is not intended to represent the direct appropriations impact of this bill. Rather, it provides a stand-alone estimate of the prison bed need of this particular bill. Cost data are included to allow a comparison of the impact of this bill with other proposed legislation. The actual appropriation associated with passage of this bill will differ depending on a number of factors including the existing inventory of prison beds.

HB 755

Corrections: Conditional Medical Release

July 1, 2016 Effective Date

The Criminal Justice Estimating Conference met on 1/29/2016 and estimated the following net impact on the inmate population over the next five years:

a	b	c	FUNDS REQUIRED			
Fiscal Year	Projected Cumulative Prison Beds Required	Projected Additional Annual Prison Beds Required	Annual Operating Costs	Annual Fixed Capital Outlay Costs	TOTAL Annual Funds	TOTAL Cumulative Funds
2016-2017	-15	-15	(\$145,650)	(\$1,917,629)	(\$2,063,279)	(\$2,063,279)
2017-2018	-31	-16	(\$458,275)	(\$1,279,240)	(\$1,737,515)	(\$3,800,794)
2018-2019	-51	-20	(\$835,703)	(\$1,584,216)	(\$2,419,919)	(\$6,220,713)
2019-2020	-75	-24	(\$1,314,999)	(\$1,901,844)	(\$3,216,843)	(\$9,437,556)
2020-2021	-103	-28	(\$1,904,066)	(\$2,232,224)	(\$4,136,290)	(\$13,573,846)
Total	-103	-103	(\$4,658,693)	(\$8,915,153)	(\$13,573,846)	(\$13,573,846)

Prepared by Florida Legislature, Office of Economic and Demographic Research, January 26, 2016

FY 2014-15 operating costs per inmate were obtained from DOC. The \$51.65 per diem (\$18,852 annual cost) is for all department facilities (excluding private institutions and approximately 150 beds in PRCs) and includes operations, health services, and education services. It does not include debt service costs. It also does not include indirect and administrative costs of \$3.34 per inmate (state facilities). Operating costs in future years were increased by the change in the CPI from the National Economic Estimating Conference.

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